CURRENT DECISIONS

ATTORNEY AND CLIENT—LIEN OF ATTORNEY—SET OFF.—The defendant recovered a judgment against the plaintiff on October 27, 1916. A bank recovered a judgment against the defendant on October 28, 1916, and later assigned it to the plaintiffs. This action was against the defendant and its attorneys to set off the judgment which they had acquired against the one they owed. *Held,* that the set off should be decreed but subject to the attorney's lien. *Beecher v. Vogt Manufacturing Company* (Jan. 6, 1920, N. Y. App.) 62 N. Y. L. J. (Feb. 10, 1920).

The opinion contains a very able and interesting discussion of the "ancient judicial controversy" as to whether the right to set off judgment against judgment is superior to the attorney's lien upon a judgment. The result is equitable but only New York decisions were discussed and it should be noticed that there are some well reasoned cases *contra.* See *Wildung v. Security Mortgage Co.* (1919, Minn.) 173 N. W. 429, (1919) 29 YALE LAW JOURNAL, 111, and cases there cited.

ATTORNEY AND CLIENT—WHAT CONSTITUTES PRACTICING LAW—PRACTICE WITHOUT A LICENSE.—The defendant was indicted under section 270 of the New York Penal Law which makes it a misdemeanor to practice law in any manner without first being licensed and admitted to practice. The defendant carried on a real estate and insurance business, and drew legal papers, contracts for the sale of real estate, deeds, mortgages, bills of sale and wills. A large sign over the window bore the words, "Notary Public—Redaction of all legal papers." He testified that "redaction" meant the drawing of legal papers. On occasion, he had advised as to the form and kind of instrument to be used and had received pay therefor. *Held,* that the defendant was guilty. McLaughlin and Hogan, JJ., *dissenting. People v. Alfoni* (1919, N. Y.) 62 N. Y. L. J. (Jan. 15, 1920).

The Appellate Division had reversed the conviction by the Court of Special Sessions on the ground that the statute related only to practice connected with court or legal proceedings. In a forceful and convincing opinion in the Court of Appeals, Crane, J., points out that the statute is intended to protect the public, not the bar, and that there is more danger to the public from office practice by an incompetent than from like practice in a court where the proceedings are public and under the control of an experienced presiding official. For a contrary view, see (1918) 31 HARV. L. REV. 886. See authorities collected in Cohen, *The Law—Business or Profession* (1919) Appendix C, 381-393; (1920) 29 YALE LAW JOURNAL, 350.

CONSTITUTIONAL LAW—DUE PROCESS—NECESSITY AND EXPEDIENCY OF CONDEMNATION.—A state statute authorized certain officers engaged in repairing public roads to take earth for that purpose from adjacent lands. Provision was also made for the assessment and payment of damages. The plaintiff sought to enjoin the taking of earth from his land because no hearing was afforded him by the statute respecting the necessity or expediency of the taking. *Held,* that the injunction be denied, because a hearing thereon was not essential to due process. *Bragg v. Weaver* (1919, U. S.) 40 Sup. Ct. 62.

The decision is clearly sound on authority. The legislature is the sole judge of the public necessity which requires or renders expedient the exercise of the power of condemnation. *City of Grafton v. St. Paul, etc., Ry.* (1907) 16